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Attorneys for Jayson Julian

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
JAYSON LEE JULIAN,  
  
Defendant.

2:10-cr-247-PMP-LRL

STIPULATION TO CONTINUE  
TRIAL DATES

(Second Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Daniel Bogden, United States Attorney, and Patrick Walsh, Assistant United States Attorney, counsel for the United States of America, and Franny A. Forsman, Federal Public Defender, and Rebecca Rosenstein, Assistant Federal Public Defender, counsel for defendant JAYSON LEE JULIAN, that the calendar call currently scheduled for September 15, 2010, at the hour of 9:00 a.m., and the trial currently scheduled for September 21, 2010, at the hour of 9:00 a.m., be vacated and set to a date and time convenient to this court, but no event earlier than thirty (30) days.

This Stipulation is entered into for the following reasons:

1. On August 26, 2010, defendant Jayson Lee Julian was indicted for case styled 2:09-cr-356-KJD-GWF (CR 8). That the parties will be requesting this case be consolidated with the instant matter for purposes of plea/sentencing before the Honorable Kent J. Dawson. Additional time is requested to allow for the consolidation of cases.

- 1                   2.     The defendant is incarcerated and does not object to the continuance.
- 2                   3.     The parties agree to the continuance.
- 3                   4.     Additionally, denial of this request for continuance could result in a miscarriage
- 4 of justice.
- 5                   5.     The additional time requested by this Stipulation is excludable in computing
- 6 the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,
- 7 United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A),
- 8 considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and
- 9 3161(h)(7)(B)(iv).

10                   This is the second request to continue trial dates filed herein.

11                   DATED this 7<sup>th</sup> day of September, 2010.

12                   FRANNY A. FORSMAN  
13                   Federal Public Defender

                    DANIEL BOGDEN  
                    United States of America

14                   /s/ Rebecca Rosenstein

                    /s/ Patrick Walsh

By: \_\_\_\_\_  
15                   REBECCA ROSENSTEIN  
16                   Assistant Federal Public Defender  
17                   Counsel for Defendant

By: \_\_\_\_\_  
18                   PATRICK WALSH  
19                   Assistant United States Attorney  
20                   Counsel for the Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

2:10-cr-247-PMP-LRL

Plaintiff,

FINDINGS OF FACT, CONCLUSIONS OF  
LAW, AND ORDER

vs.

JAYSON LEE JULIAN,

Defendant.

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. On August 26, 2010, defendant Jayson Lee Julian was indicted for case styled 2:09-cr-356-KJD-GWF (CR 8). That the parties will be requesting this case be consolidated with the instant matter for purposes of plea/sentencing before the Honorable Kent J. Dawson. Additional time is requested to allow for the consolidation of cases.

2. The defendant is incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

6. This is the second request to continue trial dates filed herein.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the trial dates.

...

**CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

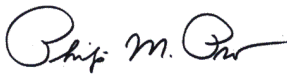
The continuance sought herein is excludable under the Speedy Trial Act, title 18, United States Code, Section 3161(h)(1)(D), 3161(h)(7) and Title 18 United States Code, §§ 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, §§ 316(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

**ORDER**

IT IS THEREFORE ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and a list of the Government's prospective witnesses must be electronically submitted to the Court by the 13th day of October, 2010.

IT IS FURTHER ORDERED that the calendar call currently scheduled for September 15, 2010, at the hour of 9:00 a.m., be vacated and continued to October 13, 2010. at the hour of 9:00 a.m.; and the trial currently scheduled for September 21, 2010, at the hour of 9:00 a.m., be vacated and continued to October 18, 2010, at 9:00 a.m. before Judge Kent J. Dawson.

DATED 8th day of September, 2010.

  
UNITED STATES DISTRICT JUDGE